

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 217-2003-EQ-00106

**In the Matter of the Liquidation of
The Home Insurance Company**

**FILING REGARDING STRUCTURING OF VIDEOCONFERENCE HEARING ON
LIQUIDATOR'S MOTION FOR APPROVAL OF CLAIM AMENDMENT DEADLINE**

Pursuant to the Order Scheduling Videoconference Hearing on Liquidator's Motion for Approval of Claim Amendment Deadline dated October 8, 2020 ("Order"), Christopher R. Nicolopoulos, Insurance Commissioner of the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), after consulting with the participating objectors, proposes a schedule for the videoconference hearing on December 11, 2020 and provides lists of participants and pertinent filings.

1. The Order directed objectors who wished to participate in the hearing to file notices of intent to participate with the Court within 14 days of the Order. Order ¶ 2. Six objectors filed such notices: Linda F. Peeples, Johnson & Johnson, Maryknoll, Zurich/Württembergische, Resolute and Nationwide.

2. The Order provided for the videoconference hearing to be held in four parts, subject to adjustment based on the notices, and directed the Liquidator and the participating objectors to consult concerning scheduling of the hearing. Order ¶¶ 3-4. The Order further directed the Liquidator and participating objectors to make a filing proposing times of day for the parts of the hearing. Order ¶ 4.

3. As none of the workers compensation claimants filed a notice of intent to participate, and as counsel for Maryknoll is in Hawaii with a significant time difference, the

Liquidator proposed to the participating objectors that the hearing be held in three parts as follows:

- 9:30-10:00 Objection of former employee Linda F. Peeples
- 10:00-12:00 Objections of AFIA cedents Zurich/Württembergische, Resolute and Nationwide
- 1:30-3:30 Objections of policyholders Johnson & Johnson and Maryknoll

4. The Liquidator requested that the participating objectors respond to this proposal by November 20, 2020, the date 21 days before the hearing set in the Order. Johnson & Johnson, Maryknoll, Zurich/Württembergische, Resolute, and Nationwide agreed with the proposed schedule. Ms. Peeples did not respond.

5. Accordingly, the Liquidator proposes that the Court hold the hearing in three parts as set forth in paragraph 3 above.

6. In order to facilitate arranging the hearing, the Liquidator has prepared a list of participants, including their email addresses, drawn from the Liquidator's filings and the participating objectors' notices of intent to participate. The list is attached as Exhibit A. It identifies counsel for the Liquidator, the pro se objector, and counsel for the other objectors. It also includes at the end as potential observers the Special Deputy Liquidator and counsel for the ACE Companies, which filed a notice of intent to observe. The Liquidator understands that there may be one or two more forthcoming requests to observe. The Liquidator does not know whether the videoconference can accommodate observers.

7. The Order also directed the participating objectors and the Liquidator to exchange lists identifying the filings or sections of filings pertinent to each objection that may be cited at the hearing. Order ¶ 5. The Liquidator was to prepare a filing grouping the lists in sections corresponding to the parts of the hearing. *Id.* The Liquidator prepared such a list and

circulated it to the participating objectors. Johnson & Johnson, Maryknoll, Zurich/Württembergische (after two additions), Resolute, and Nationwide agreed with the list. Ms. Peeples did not respond.

8. The Liquidator accordingly submits the list of filings that may be cited at the hearing as Exhibit B. The Liquidator is preparing a bookmarked pdf or pdfs of the filings on the list with sequential page numbering so that the Court and parties will be able to refer to filings in a common way.

Respectfully submitted,

CHRISTOPHER R. NICOLOPOULOS, INSURANCE
COMMISSIONER OF THE STATE OF NEW
HAMPSHIRE, AS LIQUIDATOR OF THE HOME
INSURANCE COMPANY,

By his attorneys,

GORDON J. MACDONALD
ATTORNEY GENERAL

J. Christopher Marshall, NH Bar ID No. 1619
J.Christopher.Marshall@doj.nh.gov
Civil Bureau
New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301-6397
(603) 271-3650

/s/ Eric A. Smith
J. David Leslie, NH Bar ID No. 16859
dleslie@rackemann.com
Eric A. Smith, NH Bar ID No. 16952
esmith@rackemann.com
Rackemann, Sawyer & Brewster P.C.
160 Federal Street
Boston, MA 02110-1700
(617) 542-2300

November 24, 2020

Certificate of Service

I hereby certify that copies of the foregoing Filing Regarding Structuring of Videoconference Hearing on Liquidator's Motion for Claim Amendment Deadline was sent this 24th day of November, 2020, by first class mail, postage prepaid to all persons on the attached service list.

/s/ Eric A. Smith

Eric A. Smith

NH Bar ID # 16952

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

In the Matter of the Liquidation of
The Home Insurance Company
Docket No. 217-2003-EQ-00106

SERVICE LIST

Lisa Snow Wade, Esq.
Orr & Reno
One Eagle Square
P.O. Box 3550
Concord, New Hampshire 03302-3550

Gary S. Lee, Esq.
James J. DeCristofaro, Esq.
Kathleen E. Schaaf, Esq.
Morrison & Foerster
250 West 55th Street
New York, NY 10019-9601

Joseph G. Davis, Esq.
Willkie Farr & Gallagher, LLP
1875 K Street, N.W.
Washington, DC 20006

Samantha D. Elliott, Esq.
Gallagher, Callahan & Gartrell, P.C.
214 North Main Street
Concord, NH 03301

Harry Cohen, Esq.
Crowell & Moring
590 Madison Avenue
20th Floor
New York, New York 10022-2544

Stephanie V. Corrao, Esq.
Crowell & Moring
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004-2595

Joseph C. Tanski, Esq.
John S. Stadler, Esq.
Nixon Peabody LLP
100 Summer Street
Boston, Massachusetts 02110

David M. Spector, Esq.
Dennis G. LaGory, Esq.
Schiff Hardin LLP
6600 Sears Tower
Chicago, Illinois 60606

Martin P. Honigberg, Esq.
Sulloway & Hollis, P.L.L.C.
9 Capitol Street
P.O. Box 1256
Concord, New Hampshire 03302-1256

Richard Mancino, Esq.
Willkie Farr & Gallagher, LLP
787 Seventh Avenue
New York, New York 10019

Albert P. Bedecarre, Esq.
Quinn Emanuel Urguhart Oliver & Hedges LLP
50 California Street, 22nd Floor
San Francisco, California 94111

Robert M. Horkovich, Esq.
Robert Y. Chung, Esq.
Anderson Kill & Olick, P.C.
1251 Avenue of the Americas
New York, New York 10020

Jeffrey W. Moss, Esq.
Morgan Lewis & Bockius, LLP
One Federal Street
Boston, Massachusetts 02110

Kyle A. Forsyth, Esq.
Commercial Litigation Branch/Civil Division
United States Department of Justice
P.O. Box 875
Washington, D.C. 20044-0875

Gregory T. LoCasale, Esq.
White and Williams, LLP
One Liberty Place, Suite 1800
Philadelphia, Pennsylvania 19103-7395

John A. Hubbard
615 7th Avenue South
Great Falls, Montana 59405

Mark J. Andreini, Esq.
Jones Day
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114-1190

Paul A. Zevnik, Esq.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Tred R. Eyerly, Esq.
Damon Key Leon Kupchak Hastert
1003 Bishop Street, Suite 1600
Honolulu, HI 96813

David H. Simmons, Esq.
Mary Ann Etzler, Esq.
Daniel J. O'Malley, Esq.
deBeaubien, Knight, Simmons,
Mantzaris & Neal, LLP
332 North Magnolia Drive
P.O. Box 87
Orlando, FL 32801

Joseph C. Safar
Jessica L.G. Moran
K&L Gates LLP
210 Sixth Ave.
Pittsburgh, PA 15222

Doreen F. Connor, Esq.
Primmer Piper Eggleston & PC
P.O. Box 3600
Manchester, NH 03105

Michael J. Tierney, Esq.
Wadleigh, Starr & Peters, PLLC
95 Market Street
Manchester, New Hampshire 03101

Harry L. Bowles
306 Big Hollow Lane
Houston, Texas 77042

Michael S. Lewis, Esq.
Rath Young Pignatelli
One Capital Plaza
Concord, New Hampshire 03302-1500

Keith Dotseth, Esq.
Larson King
2800 Wells Fargo Place
30 East Seventh Street, Suite 2800
Saint Paul, Minnesota 55101

Michel Y. Horton, Esq.
Morgan, Lewis & Bockius LLP
300 South Grand Avenue, 22nd Floor
Los Angeles, California 90071

Terri L. Pastori, Esq.
Ashley Taylor, Esq.
Pastori | Krans, PLLC
70 Commercial Street
Suite 203
Concord, NH 03301

Michael P. Mullins, Esq.
Day Pitney LLP
One International Place
Boston, MA 02110

Christopher J. Valente, Esq.
K&L Gates LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111

Mr. Edward Crosby
P.O. Box 155
Crowell, TX 79227

Ms. Patricia Erway
16604 Rialto Dr.
Winter Garden, FL 34787

Mark C. Rouvalis, Esq.
Steven J. Dutton, Esq.
Viggo C. Fish, Esq.
McLane Middleton, P.A.
900 Elm Street, 10th Floor
Manchester, NH 03101

Mark R. Goodman, Esq.
Joseph T. McCullough IV, Esq.
Peter B. Steffen, Esq.
Freeborn & Peters LLP
311 South Wacker Dr., Suite 3000
Chicago, IL 60606

Thomas J. Ladd, Esq.
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102

Mr. Howard Campbell
10011 Mosher Hollow Road
Cattaraugus, NY 14719

Linda Faye Peoples
P.O. Box 974
Fresno, TX 77545

Roland Jackson
Chief Executive Officer, Director
Catalina Services, UK Limited
1 Alie Street, 1st Floor
London, England E1 8DE

David Himelfarb, Esq.
McCarter & English, LLP
265 Franklin Street, 14th Fl.
Boston, MA 02110

In the Matter of Liquidation of Home Ins. Co., No. 217-2003-EQ-00106

**Participants in December 11, 2020 Videoconference Hearing on
Liquidator's Motion for Approval of Claim Amendment Deadline**

(Anticipated Principal Speakers with Asterisk)

Movant: Christopher R. Nicolopoulos, Insurance Commissioner, as Liquidator
("Liquidator") of The Home Insurance Company ("Home")

J. Christopher Marshall j.c.marshall@doj.nh.gov
Office of the Attorney General

*J. David Leslie dleslie@rackemann.com

*Eric A. Smith esmith@rackemann.com

Rackemann, Sawyer & Brewster P.C.

Objectors Filing Notices of Intent to Participate

Objector: Linda Faye Peeples lfpeeples@yahoo.com (pro se)

Objector: Johnson & Johnson

*Thomas W. Ladd tladd@mccarter.com

David Himelfarb dhimelfarb@mccarter.com

Brett D. Kahn bkahn@mccarter.com

Jennifer O. Farina jfarina@mccarter.com

McCarter & English LLP

Objector: Catholic Foreign Mission Society of America Inc. Maryknoll Father
and Brothers ("Maryknoll")

*Tred R. Eyerly te@hawaiiilawyer.com

Damon Key Leong Kupchak Hastert

Objector: Zurich Insurance plc (German Branch) & Württembergische
Versicherung AG ("Zurich")

Mark C. Rouvalis mark.rouvalis@mclane.com

Steven J. Dutton steven.dutton@mclane.com

Viggo C. Fish viggo.fish@mclane.com

McLane Middleton, Professional Association

Joseph T. McCullough IV jmccullough@freeborn.com

*Peter B. Steffen psteffen@freeborn.com

Freeborn & Peters, LLP

Objector: Indemnity Marine Assurance Company, Nederlandse Reassuranti Groep NV, NRG Victory Reinsurance Limited, NRG Fenchurch Insurance Company Limited, New Zealand Reinsurance Company, Tenecom Limited, Underwriters of Lloyd's of London, Winterthur Swiss Insurance Company, World Auxiliary Corporation Limited ("Resolute")

Terri L. Pastori tpastori@pastorikrans.com
Ashley D. Taylor ataylor@pastorikrans.com
Pastori|Krans, PLLC

*Michael P. Mullins mmullins@daypitney.com
Day Pitney LLP

Objector: Nationwide Mutual Insurance Company

Keith A. Dotseth kdotseth@larsonking.com
Larson King, LLP

Samantha D. Elliott elliott@gcglaw.com
Gallagher, Callahan & Gartrell, P.C.

Possible observers:

Entity: Movant Liquidator of Home

Observer: Peter A. Bengelsdorf, Special Deputy Liquidator pabinsconsult@aol.com

Entity: Century Indemnity Company, ACE Property and Casualty Insurance Company, Pacific Employers Insurance Company, ACE American Reinsurance Company (“ACE Companies”)

Observers per Notice of Intent to Observe:

Lisa Snow Wade lwade@orr-reno.com
Orr & Reno, P.A.

Gary Lee glee@mof.com
James A. Newton jnewton@mof.com
Morrison & Foerster

In the Matter of Liquidation of Home Ins. Co., No. 217-2003-EQ-00106

**List of Filings That May Be Cited During Hearing
On Liquidator's Motion For Approval Of Claim Amendment Deadline¹**

General:

- Liquidator's Motion for Approval of Claim Amendment Deadline (8/1/19)
- Affidavit of Peter A. Bengelsdorf, Special Deputy Liquidator, in Support of Motion for Approval of Claim Amendment Deadline (8/1/19)
- [Proposed] Order Approving Claim Amendment Deadline (8/1/19)²

Former Employee Objection of Linda F. Peeples

1. Objector:

Letter of Linda Fay Peeples (11/15/19), including

- attached Case File in 2012-HICIL-55

Supplemental Letter of Linda Faye Peeples (4/1/20)

Liquidator:

Liquidator's Response to First Group of Objections to Motion for Approval of Claim Amendment Deadline (12/11/19) at pages 4-6, including Exhibits E-G:

- E. Order on the Merits, 2012-HICIL-55 (3/27/13)
- F. Email notice of Order on the Merits (3/28/13)
- G. Email to counsel (10/5/18)

Liquidator's Response to Objector Supplemental Filings and Johnson & Johnson's Objection to Liquidator's Motion for Approval of Claim Amendment Deadline (4/30/20) at page 7

¹ Three workers' compensation claimants, Patricia Erway, Edward Crosby and Howard Campbell filed letters dated 10/30/19, 11/4/19 and 11/8/19 respectively. They did not file a notice of intent to participate in the hearing. The Liquidator addressed their letters in the Liquidator's Response to First Group of Objections to Motion for Approval of Claim Amendment Deadline (12/11/19) at pages 1-4 and Exhibits A-D (Liquidator's letters to claimants).

² The Liquidator's claim amendment deadline filings refer to filings made during the liquidation to describe and explain the course of the liquidation. The Liquidator reserves the right to refer to such filings during the hearing.

Policyholder Objections of Johnson & Johnson and Catholic Foreign Mission Society Inc. a/k/a Maryknoll Father & Brothers (“Maryknoll”)³

1. Objector:

Johnson & Johnson’s Objection to Liquidator’s Motion for Approval of Claim Amendment Deadline (12/24/19)

Liquidator:

Liquidator’s Response to Objector Supplemental Filings and Johnson & Johnson’s Objection to Liquidator’s Motion for Approval of Claim Amendment Deadline (4/30/20) at pages 1-5

- Incorporates the Liquidator’s Response to MWCP’s Objection to Motion for Approval of Claim Amendment Deadline (12/30/19))

2. Objector:

Catholic Foreign Mission Society of America Inc. aka Maryknoll Father & Brothers Objection to Motion for Approval of Claim Amendment Deadline (11/15/19)

Liquidator:

Liquidator’s Response to First Group of Objections to Motion for Approval of Claim Amendment Deadline (12/12/19) at pages 6-10

Liquidator’s Response to Objector Supplemental Filings and Johnson & Johnson’s Objection to Liquidator’s Motion for Approval of Claim Amendment Deadline (4/30/20) at pages 5-6

³ The New York Liquidation Bureau filed an objection dated 11/15/19 but not a notice of intent to participate in the hearing. The Liquidator addressed the NYLB’s objection in the same filings as the Maryknoll objection. United States Steel Corporation withdrew its objection on 11/18/19. MW Custom Paper LLC withdrew its objection on 5/11/20.

AFIA Objections of Zurich/Württembergische, Resolute, and Nationwide⁴

1. Objector:

Zurich Insurance plc, German Branch and Württembergische Versicherung AG's
Objection to the Liquidator's Motion for Approval of Claim Amendment
Deadline (11/18/19), including Exhibits A-L:

- A Affidavit of Dirk Eichler in Support of Zurich Insurance PLC, et al
Opposition to Liquidator's Motion for Approval of Claim Amendment
Deadline
 - A-1 June 2004 Zurich Placeholder Proof of Claim
 - A-2 Zurich Settlement Agreement
 - A-3 Zurich Letter to Liquidator Dated April 13, 2012
 - B Affidavit of Robert Buhler in Support of Zurich Insurance PLC, et al
Opposition to Liquidator's Motion for Approval of Claim Amendment
Deadline
 - B-1 June 2004 WW Placeholder Proof of Claim
 - B-2 Wurttembergische Settlement Agreement
 - B-3 December 12, 2011 Correspondence Home-Ace Commutation
Anforderungsprofil Zedenten 12.12.2011
 - B-4 April 13, 2012 Correspondence WW Claim Filing the Home 13.04.2012
 - C 2004 Affidavit of Jonathan Rosen
 - D December 4, 2012 Report of Scheme Administrator
 - E Scheme of Arrangement
 - F Excerpt of March 10, 2017 Report of Scheme Administrator
 - G 2019-11-15 Email from David Leslie
 - H 2019-10-03 Email from Patrick Brazzil (Redacted)
 - I Liquidator's Seventy-Fourth Report
 - J Cutting the Gordian Knot: Long-Tail Claims in Insurance Insolvencies
 - K Motion to Approve USFG Commutation
 - L Motion for Approval of Reinsurance Commutation Agreement with
National Casualty Co.
- Exhibits D, F, G and H are under seal pursuant to the Court's Order of
2/28/20 granting Zurich's motion to file those exhibits under seal.

⁴ The Catalina Group Companies filed a letter objection (11/14/19) but did not file a notice of intent to participate in the hearing. The Liquidator responded to that objection in the Liquidator's AFIA responses noted in this section.

Zurich Insurance plc, German Branch and Württembergische Versicherung AG's Sur-Reply in Support of Objection to Liquidator's Motion for Approval of Claim Amendment Deadline (2/27/20)

Liquidator's Seventy-Eighth Report (9/21/20)

Liquidator's Report of Claims and Recommendations as of August 18, 2020 (8/24/20)⁵

2. Objector:

Objection to the Liquidator's Motion for Approval of Claim Amendment Deadline (of Indemnity Marine Assurance Co., Nederlandse Reassurantie Groep NV, NRG Victory Reinsurance Limited, NRG Fenchurch Insurance Company Ltd., New Zealand Reinsurance Company, Tenecom Limited, Underwriters at Lloyd's of London, Winterthur Swiss Ins. Co., and World Auxiliary Corp. Ltd.) ("Resolute") (11/18/19)

Sur-Reply in Support of Objection to Liquidator's Motion for Approval of Claim Amendment Deadline (2/27/20)

3. Objector:

Nationwide's Objection to Liquidator's Motion for Approval of Claim Amendment Deadline (11/18/19)

Nationwide's Sur-Reply in Support of Objection and Joinder to Sur-Replies Filed by Other Objectors (3/27/20)

Liquidator (as to all AFIA Objections):

Liquidator's Response to AFIA Cedents' Objections to Motion for Approval of Claim Amendment Deadline (12/30/20), including Exhibits 1-3:

1. AFIA Agreement (1/22/04)
2. Claims Protocol (8/6/04)
3. Cedent Guidelines re Amendments to Proofs of Claim (Draft 11/7/19)

Liquidator's Response to Objector Supplemental Filings and Johnson & Johnson's Objection to Liquidator's Motion for Approval of Claim Amendment Deadline (4/30/20) at pages 7-18

Affidavit of Peter A. Bengelsdorf, Special Deputy Liquidator, Regarding Reports to Scheme Creditors' Committee (4/30/20), including Exhibits A-I:

- A. Chart of Total AFIA NODs and CIC Reinsurance Collected 2015-2019
- B. Seventh Report to Scheme Creditors' Committee (December 4, 2012)
- C. Eighth Report to Scheme Creditors (December 2, 2013)
- D. Ninth Report to Scheme Creditors (December 1, 2014)

⁵ Zurich and Württembergische reserve the right to refer to additional filings during the hearing.

- E. Tenth Report to Scheme Creditors (February 12, 2016)
 - F. Eleventh Report to Scheme Creditors' Committee (March 10, 2017)
 - G. Twelfth Report to Scheme Creditors' Committee (March 1, 2018)
 - H. Thirteenth Report to Scheme Creditors' Committee (March 8, 2019)
 - I. Fourteenth Report to Scheme Creditors' Committee (March 20, 2020)
- Exhibits B-I are the subject of the pending Liquidator's Motion to File Under Seal Exhibits B-I to Affidavit of Peter A. Bengelsdorf (4/30/20)